



State Water Resources Control Board



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Agency Secretary

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Arnold Schwarzenegger
Governor

February 10, 2006

To: Mailing List
February 15, 2006 Board Meeting Item 6

AMENDED PROPOSED ORDER: ADOPTING CEASE AND DESIST ORDER AND DENYING PETITIONS FOR RECONSIDERATION –UNITED STATES BUREAU OF RECLAMATION AND DEPARTMENT OF WATER RESOURCES, SOUTHERN SACRAMENTO-SAN JOAQUIN DELTA

The State Water Resources Control Board (State Water Board) received timely comments on Item 6 of the State Water Board's agenda for its February 15, 2006 Board meeting. After reviewing the comments, staff has made certain amendments to its proposed order, which is enclosed. The amendments are intended to clarify the order, respond to certain comments, and respond to a recent opinion in State Water Resources Control Board Cases (C044714, JCCP No. 4118) issued February 9, 2006, the Court of Appeal, Third Appellate District. As compared to the January 27, 2006 version, as amended by staff's February 1, 2006 errata, deletions are shown on the enclosed version of the order in strikeout text. Additions are shown in underlined text.

The amendments are summarized below. Page numbers refer to the February 10, 2006 version.

- Page 10: Footnote 7 was added in response to a recent Court of Appeal opinion.
- Page 11, first full paragraph: Editorial changes were made for clarification purposes.
- Pages 15: Footnote 10 was modified in response to comments.
- Page 16, second full paragraph: The words "an exceedance" are replaced by the words "a violation" to track the language in the draft Cease and Desist Orders, because this paragraph describes the draft Cease and Desist Orders.
- Pages 18 and 19: Footnote 12 was added in the first full paragraph on page 18 for clarification. In addition, editorial changes were made in the last paragraph on page 18 and continuing onto page 19.
- Page 20: Changes were made for clarification purposes.
- Page 21, first full paragraph: A typographical error was corrected.
- Page 23: The words "if any" were deleted from the last sentence of the first full paragraph. Changes were made to the last paragraph on the page and continuing to the next page in response to a recent Court of Appeal opinion.

California Environmental Protection Agency

- Page 26: Third to the last sentence was deleted, along with footnote 16, in response to a recent Court of Appeal opinion and because the sentence and footnote are unnecessary.
- Page 29: Paragraph deleted, in response to recent Court of Appeal opinion and because the paragraph does not add anything to the order.

If you have any questions, please call Barbara Leidigh, Staff Counsel IV at 916-341-5190.

Sincerely,

ORIGINAL SIGNED BY:

Victoria A. Whitney
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Enclosure

MAILING LIST

February 10, 2006 Transmittal of Amended Draft Order Re: Delta Salinity Hearing
Board Agenda Item 6

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